

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ELAINE L. CHAO, Secretary of Labor, United States Department of Labor,	:	
	:	
	:	Civil Action No. 2:08-cv-243
Plaintiff,	:	
	:	Judge Holschuh
v.	:	
	:	Magistrate Judge Kemp
BELHAR, LLC doing business as HILTON	:	
GARDEN INN, a corporation, B & M	:	
BEST CONSULTING COMPANY, a	:	
Corporation, and MARIA ULAJ,	:	
	:	
Defendants.	:	

SECRETARY OF LABOR’S MOTION FOR STAY OF CIVIL ACTION

ELAINE L. CHAO, Secretary of Labor, United States Department of Labor, by her attorneys moves to stay this civil action until such time as the criminal investigation and potential prosecution of **B & M Best Consulting Company**, a Corporation and **Maria Ulaj** (“defendants”) is concluded. In support of this motion, the Secretary states as follows:

1. On March 13, 2008 the Secretary filed a complaint against defendants alleging violations of the Fair Labor Standards Act of 1938, as amended.

2. Each defendant was served with a summons and a copy of the complaint.

3. Counsel for the Secretary of Labor was contacted by Assistant United States Attorney Dan Brown, Office of the United States Attorney, Southern District of Ohio and Attorney Ryan R. McKinstry, Department of Justice, Washington, D.C. Both informed Secretary's counsel there is an ongoing investigation of B & M Consulting and Maria Ulaj for violations of certain federal criminal statutes.

4. The criminal investigation and potential criminal proceedings arise from essentially the same facts and circumstances present in this matter. *See*, Declaration of Daniel A. Brown, attached hereto and incorporated herein by reference as Exhibit A.

5. The United States Attorney's Office requested this office move for the entry of an order staying this civil enforcement action, including discovery, pending completion of the criminal investigation and any potential criminal proceedings. A stay of this civil matter is necessary to avoid any interference with or infringement upon the criminal process which could arise from a parallel civil enforcement action. *See*, Declaration attached as Exhibit A.

6. The requested stay will prevent interference with the orderly process of the criminal investigation and potential criminal proceedings, reduce the burden on the judicial system, and will not prejudice the defendants.

7. Counsel for defendant Belhar, LLC has been consulted and has no objection to this motion.

WHEREFORE, the Secretary requests entry of an order staying all proceedings in this matter until the pending criminal investigation and potential prosecution of defendants is completed and for all other just and proper relief.

Respectfully submitted,

s/ Sandra B. Kramer
Sr. Trial Attorney (0002071)
U.S. Department of Labor
881 FOB, 1240 E. 9th St.
Cleveland, Ohio 44199
(216) 522-3876; (216) 522-7172 Fax
E-mail: Kramer.Sandra@dol.gov

OF COUNSEL:

BENJAMIN T. CHINNI
Associate Regional Solicitor